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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CARDELL FINANCIAL CORP.
et al.,

Petitioners-
Cross-Respondents,

- against -

SUCHODOLKSI ASSOCIATES, INC.
et al.,

Respondents-
Cross-Petitioners.

-----X
VICTOR MARRERO, United States District Judge.

09 Civ. 6148 (VM)

ORDER

By Decision and Order dated December 16, 2009 (the "Decision and Order"), this Court granted the petition of Cardell Financial Corporation ("Cardell") and Deltec Holdings, Inc. ("Deltec") (collectively, "Petitioners") to confirm an award, dated April 28, 2009 (the "Award"), obtained in an arbitration proceeding against respondents Suchodolski Associates, Inc. and Consultora Worldstar S.A. (collectively "SAI/Worldstar"), and denied SAI/Worldstar's cross-petition to vacate the Award. The Clerk of Court entered Judgment on December 17, 2009. SAI/Worldstar filed a Notice of Appeal dated January 12, 2010, and Petitioners filed a Motion to Amend the Judgment dated January 13, 2010.

At a conference with the parties on January 20, 2010, it came to the Court's attention that though it was the Court's understanding and intent that the Decision and Order grant

Petitioners judgment confirming the Award in its entirety, the Decision and Order did not specifically direct the Clerk of Court to enter a judgment stating explicitly the amount that was at issue, \$832,998.34, with post-award, pre-judgment interest at the New York interest rate in an amount of \$41,284.77, and post-judgment interest at the federal rate pursuant to 28 U.S.C. § 1961, as well as the injunctive relief as provided for in the Award. The Court requested that the parties confer to come to an agreement regarding the Judgment. By letter dated January 27, 2010, the parties informed the Court that they agreed on a modification that would include the total amount of the Award, but that they disagreed on whether (1) Petitioners were entitled to post-award, pre-judgment interest; (2) interest should be calculated according to the federal post-judgment interest rate or the New York interest rate; and (3) the inclusion of the injunction.

The docketing of an appeal ousts the district court of jurisdiction except insofar as it is reserved to it explicitly by statute or rule. Toliver v. County of Sullivan, 957 F.2d 47, 49 (2d Cir. 1992); Ryan v. United States Line Co., 303 F.2d 430, 434 (2d Cir. 1962). However, the Court seeks remand of the case so that it can correct an error in its original order.

Thus, this Court requests a limited remand of this case for the purposes of enabling it to correct the inadvertent

omission in its Decision and Order.

Accordingly, it is hereby

ORDERED that the Clerk of Court forward this Order to the Clerk of Court for the Second Circuit with a request that it be docketed under Second Circuit docket number 10-226-CV.

SO ORDERED.

Dated: New York, New York
1 February 2010

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

VICTOR MARRERO
U.S.D.J.